

## SECTIONS.

60. Publication of rules.

61. No person to be liable to penalty or damages for act done in good faith in pursuance of duty.

No suit or prosecution in respect of an act done under colour of duty as aforesaid shall be entertained, or shall be dismissed, if not instituted within six months.

In suits as aforesaid one month's notice to be given and sufficient description of wrong complained of.

Plaint to set forth service of notice and tender of amends.

BOMBAY ACT No. II of 1890.<sup>1</sup>

[9th July, 1890.]

An Act to consolidate and amend the law relating to salt and the salt-revenue throughout the Presidency of Bombay.

WHEREAS it is expedient to amend the <sup>2</sup> Bombay Salt Act, 1873, and to Bom. Act enact a consolidated salt law for the whole of the Bombay Presidency; It is VII of 1873. enacted as follows :—

## CHAPTER I.

## PRELIMINARY.

- Short title. 1. (1) This Act may be cited as the Bombay Salt Act, 1890.
- Extent. (2)<sup>3</sup> It extends to the whole of the Presidency of Bombay \* \* \* \* \*
- Repeal of enactments. 2. (1) The Bombay Salt Act, 1873, and Bombay Act V of 1882 (*an Act to Bom. Act amend the Bombay Salt Act of 1873*) are repealed: VII of 1873.

<sup>1</sup> For Statement of Objects and Reasons, see Bombay Government Gazette, 1888, Part V, p. 174, for Report of the Select Committee, see *ibid.*, 1888, p. 19, and for Proceedings in Council, see *ibid.*, 1888, p. 387, *ibid.*, 1889, p. 61, *ibid.*, 1890, pp. 13, 19 and 65.

<sup>2</sup> The Bombay Salt Act, 1873, is repealed by this Act, see s. 2 (1), *infra*.

<sup>3</sup> The words "but it shall not come into force in Sind till such date as the Governor of Bombay in Council, by notification in the Bombay Government Gazette, fixes in this behalf" were repealed by the Amending Act, 1895 (16 of 1895), Vol. I of this Code.

For notification extending the Act to Sind, see Bombay Local Rules and Orders.

(2) Provided that :—

- (a) all rules and appointments made, licenses and permits granted, notifications published and powers conferred under either of the said enactments and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, published and conferred hereunder :
- (b) the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred, before this Act comes into force.

3. In this Act, unless there is something repugnant in the subject or Definitions, context—

- (a) " Commissioner " means a Commissioner of Salt-revenue ;
- (b) " Collector ", " Deputy " and " Assistant Collector " mean respectively a Collector or a Deputy or Assistant Collector of Salt-revenue ;
- (c) " salt-revenue-officer " means an officer of the Salt Department and includes any other person, whether Government officer or not invested under section 10 with any power under this Act ;
- (d) " natural salt " means salt spontaneously produced, natural saline deposits, and efflorescence ;
- (e) " salt " includes natural salt ;
- (f) " salt-earth " means earth naturally impregnated with salt, or with which salt is mixed ;
- (g) " manufacture " includes every process by which salt is separated from brine or earth or any other liquid or substance, and also every process for the purification or refinement of salt ;
- (h) " salt-work " includes—
  - (i) a place used or intended to be used for the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings and waste places situated within the limits of the same ;
  - (ii) all drying grounds and storage platforms and store-houses appertaining to any such place ; and
  - (iii) land on which salt is spontaneously produced ;
- (k) a " private salt-work " is one not solely owned or not solely worked by Government ;
- (l) " licensee of a salt-work " means a person licensed to manufacture, excavate or collect salt at, or to remove salt from, a salt-work ;

<sup>1</sup>[(m) "contraband salt" means :

A. Salt or salt-earth removed from a salt-work or from a Government warehouse or store, or manufactured, excavated, collected, packed, stored, landed, transported or had in possession in contravention—

(i) of this Act, or of any other enactment relating to the salt-revenue at the time being in force ; or

(ii) of any rule or order made under this Act or under any other such enactment as aforesaid ; or

(iii) of any license or permit issued under this Act, or under any other such enactment as aforesaid ; and

B. Salt, which has evaded payment of any duty imposed under section 7 (a) of the <sup>2</sup>Indian Salt Act, 1882, or of any duty XII of 1882. leviable under any Tariff Act in force for the time being ;]

(n) "maund" means an Indian maund of 82½ pounds avoirdupois weight ;

(o) "possession" or "removal" of salt or salt-earth by a servant or agent of any person, on that person's account, shall be deemed to be possession or removal thereof by such person.

## CHAPTER II.

### ESTABLISHMENT AND CONTROL.

Power for Governor in Council to appoint superior officers of the Salt Department.

4. (1) <sup>3</sup>[Subject to such control of the Governor General in Council as may be prescribed by rules made under section 45A of the Government of India Act] the Governor in Council may, from time to time, <sup>4</sup>appoint either by name or by virtue of their office, so many persons as he thinks fit to be officers of the Salt Department.

(2) The said officers shall be appointed under the designations of—

(a) Commissioner of Salt-revenue ;

(b) Collector of Salt-revenue ;

(c) Deputy Collector of Salt-revenue ;

(d) Assistant Collector of Salt-revenue ;

and such other designations, if any, as the Governor in Council thinks fit.

<sup>1</sup> This clause was substituted by s. 1 of Bom. Act I of 1901, Vol. IV of this Code.

<sup>2</sup> General Acts, Vol. III.

<sup>3</sup> These words were substituted for the words "Subject to the general control of the Governor General in Council" by s. 2 and Sch. I of the Devolution Act, 1920 (38 of 1920).

<sup>4</sup> For notifications appointing certain officers to be officers of the Salt Department, see Bombay Local Rules and Orders.